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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

JACK L. POTTS, M.D.

Holder of License No. 12185
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-14-0607A

**INTERIM ORDER FOR PRACTICE
RESTRICTION AND CONSENT TO THE
SAME**

INTERIM CONSENT AGREEMENT

Jack L. Potts, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Order for Practice Restriction ("Interim Order"); admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Interim Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 12185 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case no. MD-140607A upon receiving notification from Flagstaff Medical Center ("FMC") that Respondent has agreed to refrain from practicing medicine at FMC. Respondent agreed to refrain from practicing medicine at FMC in lieu of FMC summarily suspending his privileges pending the outcome of FMC's investigation into an incident that occurred on the evening of May 2, 2014. The incident involves allegations that Respondent was impaired while on-call and providing psychiatric consultations to patients.

4. Respondent is scheduled to undergo an assessment on May 21, 2014. The assessment will be performed by the Board's Physician Health Program monitoring service which is administered by a private contractor.

5. The Executive Director has consulted with investigative staff and the Board's medical consultants, who have reviewed the case and agrees that a consent agreement is appropriate.

INTERIM CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Executive Director may enter into a consent agreement with a physician if there is evidence of danger to the public health and safety pursuant to A.R.S. §§ 32-1405(C)(25) and 32-1451(F) and A.A.C. R4-16-504.

3. Based on the information in the Board's possession there is evidence that if Respondent were to practice medicine in The State of Arizona there would be a danger to the public health and safety.

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is prohibited from engaging in the practice of medicine in the State of Arizona as set forth in A.R.S. § 32-1401(22) until he applies to the Board and receives permission to do so. Respondent may not apply for reinstatement until he has completed the assessment and the Board is in receipt of the assessment report and recommendations.

2. If the assessment report indicates that Respondent is safe to practice medicine, the Executive Director may lift the restriction. In accordance with A.A.C. R4-16-

504, the restriction may only be lifted if the investigative staff, the medical consultant and the lead board member concur.

3. Prior to lifting the restriction, Respondent shall comply with all recommendations set forth in the assessment report, which may include entering into a consent agreement with the Board.

4. This Interim Order is not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board.

DATED AND EFFECTIVE this 21st day of May, 2014.

ARIZONA MEDICAL BOARD

By C Lloyd Vest, II
C. Lloyd Vest, II
Executive Director

CONSENT TO ENTRY OF INTERIM ORDER

1. Respondent has read and understands this Interim Order for Practice Restriction and Consent to the Same and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Interim Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Interim Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Order in its entirety as issued, and waives any other cause of action related thereto or arising from said Interim Order.

1 4. The Interim Order is not effective until approved and signed by the
2 Executive Director.

3 5. All admissions made by Respondent are solely for final disposition of this
4 matter and any subsequent related administrative proceedings or civil litigation involving
5 the Board and Respondent. Therefore, said admissions by Respondent are not intended
6 or made for any other use, such as in the context of another state or federal government
7 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
8 any other state or federal court.

9 6. Upon signing this Interim Order, and returning this document (or a copy
10 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
11 entry of the Interim Order. Respondent may not make any modifications to the document.
12 Any modifications to this original document are ineffective and void unless mutually
13 approved by the parties.

14 7. This Interim Order is a public record that will be publicly disseminated as a
15 formal action of the Board and will be reported to the National Practitioner's Data Bank
16 and on the Board's web site.

17 8. If any part of the Interim Order is later declared void or otherwise
18 unenforceable, the remainder of the Interim Order in its entirety shall remain in force and
19 effect.

20 9. Any violation of this Interim Order constitutes unprofessional conduct and
21 may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
22 probation, consent agreement or stipulation issued or entered into by the board or its
23 executive director under this chapter") and 32-1451.

24 
25 _____
Jack L. Potts, M.D.

DATED: MAY 20, 2014

1 EXECUTED COPY of the foregoing mailed
2 this 21st day of May, 2014 to:

3 Holly Gieszl, Esq.
4 The Gieszl Firm
5 One East Camelback Rd., Ste. 550
6 Phoenix, Arizona 85012
7 Attorney of Record

8 ORIGINAL of the foregoing filed
9 this 21st day of May, 2014 with:

10 Arizona Medical Board
11 9545 E. Doubletree Ranch Road
12 Scottsdale, AZ 85258

13 Mary Palmer
14 Arizona Medical Board Staff
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